

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on April 20, 2015 at the Spring Lake Park Community Center, 1301 81st Avenue N. E., at 7:00 P.M.

1. Call to Order

Mayor Hansen called the meeting to order at 7:00 P.M.

2. Roll Call

Members Present: Councilmembers Mason, Wendling, Nash and Mayor Hansen

Members Absent: Councilmember Nelson

Staff Present: Police Chief Ebeltoft; Public Works Director Randall; Building Official Brainard; Attorney Carson; Engineer Gravel; Parks and Recreation Director Rygwall; Administrator Buchholtz; and Executive Assistant Gooden

Visitors: Diane Griffin, PO Box 122, Watertown, MN 55380
Roger Ungemach, PO Box 32636, Fridley, MN 55432
Ron Piel, 8130 Red Oak Court, Mounds View, MN 55112
James Skoog, Legal Aid Attorney
Lorraine Coroni, 1547 82nd Avenue NE
Mike Voigt, Spring Lake Park High School

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Buchholtz asked that Item 12C, Memorandum of Agreement, be added to the agenda.

5. Discussion From The Floor - None

6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – April 6, 2015
- B. Disbursements
 - 1. General Fund Disbursement Claim No. 15-05 -- \$356,172.06
 - 2. Liquor Fund Disbursement Claim No. 15-06 -- \$187,323.64
- C. Contractor's License
- D. Sign Permit
- E. Correspondence

MOTION BY COUNCILMEMBER NASH APPROVING THE CONSENT AGENDA. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. PresentationA. Mark Voigt, Spring Lake Park High School

Mr. Voigt from Spring Lake Park High School Skills USA class provided the Council with a presentation on a project that his students are working on. He reported that the class has been working on a grandfather clock that will be presented to the City of Spring Lake Park for display at City Hall.

Mr. Voigt provided sample pictures of past clocks for other organizations and asked for the Councilmembers input on the design and finishing touches of the clock. He stated that the clock will be completed around June 3, 2015.

8. Police Report

Police Chief Ebeltoft reviewed the March 2015 department statistics.

Chief Ebeltoft stated that the Police Department responded to three hundred and thirty-nine calls for service in 2015 compared to three hundred and forty-two calls for service in March 2014. He stated that the Police Department issued thirty-nine citations in March compared to two hundred and fifteen citations in March 2014.

Chief Ebeltoft stated that each year the Spring Lake Park Police Department does an annual audit of our "Selective Intensified Traffic Enforcement Program" or also known as the "S.I.T.E. Program." He stated that this program was developed in 1999 to help address traffic safety issues that were/are being experienced in the community and the program allows residents to contact the police department and advise on problem traffic areas. He stated for the year 2014, the Police Department worked one hundred and ten S.I.T.E. shifts, stopped eight hundred and twenty-five vehicles, issued a total of nine hundred and thirty-seven citations and gave two hundred and eighty-three warnings. He reported the total budget expended for the year 2014 was \$29,306.95 and the citation revenues received was \$29,783.60 with a difference of \$476.65, which was deposited to the general fund.

Chief Ebeltoft reported that the program is a self-supporting program which makes it financially possible to continue to be utilized. He stated that the intent of the police department with the assistance of the continued driver education and programs like the S.I.T.E Program continue to strive to make our community the safest community possible for the residents and those visiting the community to enjoy.

Chief Ebeltoft reported in addition to addressing the day to day operation of the Department he attended numerous meetings; including a Department Head meeting; a meeting of the Anoka County Chiefs of Police; a meeting with the police department sergeants; a Board of Directors meeting at Hibbing Community College; a meeting with Police Chief Olson of Blaine and Police Chief Kinney of Mounds View as well as SMB Fire Chief Zikmund regarding Emergency Management issues; a meeting with Network Access to address park camera issues; and a meeting with Administrator Buchholtz and City Attorney Carson. Chief Ebeltoft reported that he also conducted employee evaluations on each of the police department staff; continued to work on implementing the Traffic Education Program with the new squad computers and participated in a committee meeting held at the League of Minnesota Cities regarding a boiler plate policy to be adopted by the League of Minnesota Cities that could be utilized by any city for the implantation of "Body Worn Camera Systems."

Chief Ebeltoft thanked Officer Bonesteel for his work on developing a historical display at City Hall. He reported that many of the items on display are donated items from department staff and encouraged residents to visit the display at City Hall.

9. Parks and Recreation Report

Parks and Recreation Director Rygwall reviewed the March 2015 department statistics.

Ms. Rygwall stated that the Parks and Recreation Commission met and reviewed the five-year park improvement plan. It was decided that there will not be any changes to the plan. She reported that she met with interested candidates for the summer internship position however, has not found the right candidate and the department has started applications for summer employment positions.

Ms. Rygwall reported that staff has been busy preparing for the softball leagues, coaches meetings, preparing coach materials, arranging for team photos and working on practice schedules. She reported that work on Tower Days is underway with preparing of applications for the parade participants and vendors. She stated that Tower Days buttons will be available in May.

10. Petitions, Requests and CommunicationsA. Unfit for Home Occupation Appeal – 1547 82nd Avenue NE

Building Official Brainard reported that on March 23, 2015, the City received a police incident report regarding the property located at 1547 – 82nd Avenue NE. He stated that the police responded to call at the home and while at the home, the officers noticed a strong urine smell along with a high amount of debris throughout.

Mr. Brainard reported that after reviewing the incident report and speaking with the officers who responded to the call, Mr. Brainard attempted two times to contact who he thought was the owner of the property but did not receive an answer or an option to leave a message. He conducted a site visit and also noted a strong urine smell and noted a high amount of debris including old car seats, tires, and broken toys.

Mr. Brainard contacted Diane Griffith, Property Manager with Spring Lake Terrace Community Park, regarding the incident and was informed by Ms. Griffith stated that Mary Coroni is a tenant of the home and leases from Roger Ungemach.

Mr. Brainard reported that he spoke with Mr. Ungemach and stated that there has been an on-going dispute between the Coroni's and himself regarding lawful ownership of the home. Mr. Brainard stated that Mr. Ungemach stated that he felt strongly that the Coroni's have not met all the conditions of the contact for title loan agreement and therefore are not the lawful owners of the home.

Mr. Brainard stated that after further discussion with both Mr. Ungemach and Ms. Griffith, he would be posting an Unfit for Human Occupancy and that whoever the owner of the trailer is would need to repair all violations within 30 days once issued or remove the home out of Spring Lake Park.

Mr. Brainard reported that he met with Ms. Griffith on April 2, 2015, who informed him that the Coroni's have agreed to move out of the home on April 30, 2015. Mr. Brainard reported that on April 9, 2015, the Coroni's filed an appeal with the City of Spring Lake Park requesting an extension of the amount of time provided to correct the items in violation.

Mr. Brainard reported that the City Council acts as the Board of Appeals for such violations. Mr. Brainard stated that he is standing by his decision to correct all listed violation within 30 days (April 30, 2015) of the notice of posting.

James Skoog, Legal Aid Attorney, addressed the City Council stating that he has been working with the Coroni's and that the Coroni's have been attempting to find a new place of residence. He stated that since the time the home was posted, they have been taking action to make improvements.

Lorraine Coroni addressed the City Council and stated that she disagreed with the report Mr. Brainard provided to the Council and stated that she and her family has been working to clean up the property. Ms. Coroni stated that the family has found a new home.

Mayor Hansen asked Ms. Coroni when she will be moving to the new home. Ms. Coroni stated it would be in April. She added that the new lease would take effect around April 25, 2015.

Attorney Carson reminded Ms. Coroni that the extension is only to extend the date to complete the repairs however, if the Coroni's are moving out on or before April 30, 2015, they do not need to make the repairs, as they are not the owners of the property. Mr. Carson stated that if the Coroni's are residing after April 30, 2015 then they are in violation.

Mr. Skoog stated that he confirms the information that Ms. Coroni shared regarding moving out by April 30, 2015. He stated that extra time would allow for repairs to be completed and the belongings to be removed.

Attorney Carson recommended to the City Council that the appeal extension for the work to be completed by April 30, 2015 be denied. He stated that Ms. Coroni has stated that the family will be moved out by this date. Mr. Carson stated that the City Council does not get involved with repair issues and who is making those repairs, he stated that there is no need to extend the extension, as no one will be living at the property. He suggested a motion be in order to deny the appeal.

MOTION MADE BY MAYOR HANSEN TO DENY UNFIT FOR HOME OCCUPATION APPEAL FOR 1547 82ND AVENUE NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. Ordinances and Resolutions

A. Interim Ordinance on Joint Parking Facilities

Administrator Buchholtz stated that the City Council is currently working on a zoning ordinance update and has passed a development/redevelopment moratorium to provide time to the City to study and adopt new official controls.

Administrator Buchholtz reported that the City Council, at its April 13 workshop, directed staff to draft a second interim ordinance relating to joint parking facilities. He stated the ordinance governing joint parking facilities will be reviewed as part of the zoning ordinance update and will prohibit new joint parking facilities from being recognized for a period of one year or until the zoning ordinance update process is complete to allow the City Council time to study the issue.

MOTION BY MAYOR HANSEN TO APPROVE INTERIM ORDINANCE NO. 413 ESTABLISHING A MORATORIUM TEMPORARILY PROHIBITING NEW AGREEMENTS FOR JOINT USE OF OFF-STREET PARKING SPACES WITHIN THE CITY OF SPRING LAKE PARK. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Tobacco Ordinance Update

Administrator Buchholtz reported that the City Council, at its April 13, 2015 workshop session, reviewed the comments the City received from its tobacco licenses on the proposed changes to the City's tobacco regulations. He stated that the City received two written comments: one from a licensee related to the proposed ban on sampling and the other from a non-profit group on the issue of child-resistant packaging for liquored used in electronic delivery devices.

Administrator Buchholtz stated that the licensee, Buzz Tobacco, stated that the cost of a carton of cigarettes ranging from \$60-\$100, customers want to sample a particular brand before making a purchase. The licensee stated that product sampling has been beneficial to his business.

Administrator Buchholtz reported that the nonprofit group, Association for Nonsmokers- Minnesota, alerted the City to the change in State Law mandating that tobacco-licensing authorities are responsible for ensuring that any liquid intended for human consumption and use in electronic delivery device by in child resistant packaging.

Administrator Buchholtz stated that the City Council discussed the comments and made changes to the proposed ordinance to eliminate the sampling ban language and asked staff to create new definitions for smoking lounges and vapor lounges and prohibited those activities. He reported that the City Council also asked staff to create a new definition for child-resistant packaging and added language to the ordinance to make it unlawful for any licensee to sell any liquid, whether or not such liquid contains nicotine, that is intended for human consumption and use in electronic delivery device that is not in child resistant packaging.

Administrator Buchholtz reported that the City Council also discussed the combination of the violations and penalties sections of the ordinance into one section for ease of administration and the Council was supportive of the change.

MOTION BY MAYOR HANSEN TO APPROVE ORDINANCE NO. 414 AMENDING CHAPTER 112 OF THE SPRING LAKE PARK CODE OF ORDINANCE RELATING TO TOBACCO REGULATIONS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Lot Line Adjustment – 8201 Central Avenue NE

Administrator Buchholtz reported that a request from Ron and Carol Peil, Owners of Units H, I and J, Spring Lake Park Number Two Condominiums, located at 8201 Central Avenue NE, have requested a unit lot line adjustment between Units I and J. He stated that during their ownership and use, the wall between units I and J was moved to give more space to Unit J and the remainder of Unit I was leased with Unit H.

Administrator Buchholtz reported that the owners have a purchase agreement to sell Units H and I to a company that provides chimney and masonry services, as well as selling and install gas and wood fireplace inserts. He stated that the purchase agreement is subject to approval of the lot line adjustment.

MOTION BY COUNCILMEMBER NASH TO APPROVE RESOLUTION NO. 15-09 APPROVING LOT LINE ADJUSTMENT BETWEEN UNIT I AND UNIT J, COMMON INTEREST COMMUNITY NUMBER 207, SPRING LAKE PARK NUMBER TWO CONDOMINIUMS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

12. New BusinessA. Authorization to Hire Lead Maintenance Worker

Public Works Director Randall stated that in March of 2015, the City was informed that Steve Coyle, Lead Maintenance Worker, was going to retire in April. Mr. Randall reported that the position was posted internally for candidates to apply and three applications were received.

Mr. Randall reported that on April 7, 2015, interviews were conducted with the three applicants and it was determined that one candidate best fit the requirements of the position. He stated that applicant that was chosen as Lead Maintenance Worker is Brett Deboer. Mr. Deboer has been with the City for 9 ½ years.

MOTION BY COUNCILMEMBER MASON TO APPROVE AUTHORIZATION TO HIRE BRETT DEBOER AS LEAD MAINTENANCE WORKER. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Third Amendment to Sprint Lease Agreement

Administrator Buchholtz stated that the tower lease agreement between Sprint and the City originally adopted in 1999 has a provision for calculating inflationary adjustments to the lease payment at the start of each five year term. He reported that the current agreement stated, "the rent shall be increased at the commencement of each renewal term by an amount equal to the five year increase in the Consumer Price Index (CPI) for the Minneapolis/St. Paul area as determined by the Minneapolis Library Department of Economics." He stated that the problem with that language is that there is no Minneapolis Library Department of Economics in existence.

Administrator Buchholtz stated that to determine the rate of inflation for the new term that started on January 1, 2015, staff used the CPI-U All Urban Consumers Semi-Annual Report as published by the U.S. Department of Labor Bureau of Labor Statistics for Minneapolis-St. Paul. He stated that Sprint has agreed to use this report to determine the five-year inflation rate for each new term.

Administrator Buchholtz stated that the Third Amendment to the Sprint Tower Lease Agreement make this change and updates the notice addresses. He reported that City Attorney Carson has reviewed the proposed agreement and has recommended no changes.

MOTION BY COUNCILMEMBER NASH TO APPROVE THIRD AMENDMENT TO SPRINT LEASE AGREEMENT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Memorandum of Agreement – Public Works Local 49

Administrator Buchholtz reported that the Public Works employees have requested to establish a non-traditional schedule. Administrator Buchholtz received an updated Memorandum of Agreement from the Union reflecting the changes. He stated that with the new schedule, it will promote increased productivity and staff coverage.

MOTION BY MAYOR HANSEN TO APPROVE MEMORANDUM OF AGREEMENT – PUBLIC WORKS LOCAL 49. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

13. Engineer's Report

Engineer Gravel reported that the 2014-2015 Street Improvement Project has started. He reported that the contractor will start concrete and sidewalk work on 81st Avenue to East of Monroe Street this week. He stated that the layout of the striping on 81st Avenue will allow drive lanes to be 11 feet wide with an eight foot wide parking along the side allowing for an even stripe down the center. He stated that this will help with traffic control.

14. Attorney's Report – None15. Beyond the Yellow Ribbon Report - None16. OtherA. Administrator's Reports

Administrator Buchholtz reported that the City received a letter from the Star Tribune regarding the distribution of unsolicited publications. He stated the Star Tribune classifies their weekly paper as a subscription publication and a courtesy paper. Mr. Buchholtz recommended to residents that they contact the Star Tribune if do not want to receive the weekly newspaper and urged residents to send an email with a carbon copy to the City so there is a record of cancellation.

Administrator Buchholtz encouraged the Councilmembers contact him if they have any design ideas for the grandfather clock that is being built. He stated what an exciting addition it will be to the City.


B. Recycling Day – April 25, 2015

Mayor Hansen reminded residents the Spring Recycling Day will be held on Saturday, April 25th, between 9:00 AM – 1:00 PM and residents should have received a postcard in the mail about the event. She stated that is important that the residents bring the postcard with them along with a photo ID. She reported that the information about the event was placed in the Blaine-Spring Lake Park Life, on cable television channel 16, on the City Community Billboard and on the City website.

15. Adjourn


MOTION BY COUNCILMEMBER MASON TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting was adjourned at 8:25 P.M.



Cindy Hansen, Mayor

Attest:



Daniel R. Buchholtz, Administrator, Clerk/Treasurer